

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Th10a**Previous Coastal Commission Actions & Dates**

Project approved with conditions: 05/07/01
Project amendment denied: 06/13/02

Revised Findings

Revised findings staff report prepared: 07/24/02
Revised findings hearing date: 08/08/02
Staff: SAM-SC

REVISED STAFF REPORT: REVISED FINDINGS FOR COASTAL DEVELOPMENT PERMIT AMENDMENT

Local government:City of Pacific Grove

Local Decision:Architectural Review Board approval on 1/8/02 (AA#2600-99), Pacific Grove City Council approval 2/6/02.

Amendment Number**3-01-013-A1**

Applicant.....**Paul & Betty Baldacci**

Project location.....1698 Sunset Drive in the Asilomar Dunes neighborhood of Pacific Grove (APN007-041-028).

Project descriptionRaise the floor elevation and thus the roof elevation of the garage portion of an approved single family dwelling by 2.8 feet.

File documents.....CCC Coastal Development Permit Application files 3-01-013 and 3-01-013-A1; and City of Pacific Grove certified Land Use Plan.

Commission ActionDenied.

Date of ActionJune 13, 2002

Commissioners on prevailing side: **Hart, Kruer, Potter, Reilly, Woolly, Luna, Wan.**

Staff recommendation ...**Adopt Revised Findings**

Staff Note: The Coastal Commission denied this proposed amendment after public hearing at their June 2002 meeting in Long Beach by a vote of 0-7. In the course of that denial, the Commission modified findings, and the final vote was predicated on the understanding that the project would be brought back before the Commission for the adoption of revised findings that reflected the changes made by the Commission. Staff made substantive changes to Finding 1 concerning Visual Resources (p. 4), and the CEQA findings (p. 7).



California Coastal Commission
September 2002 Meeting in Los Angeles

Staff: SAM Approved by:

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Synopsis of the Coastal Commission June 13, 2002 action: The Applicant's proposed amendment raised concerns regarding adverse impacts to sensitive visual resources along a designated scenic drive in the Asilomar dunes area of the City of Pacific Grove, and consistency of the project with the policies of Chapter 3 of the Coastal Act. After public hearing, the Coastal Commission denied the proposed amendment to raise the roof level of the garage portion of the approved house by 2.8 feet.

Summary of Staff Recommendation: The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on June 13, 2002 denying the permit for an amendment to raise the roof of the garage, which is the subject of 3- 01-013-A1.

Staff Recommendation on Revised Findings

The staff recommends that the Commission adopt the following revised findings in support of its denial of an amendment to a coastal development permit for the proposed development on June 13, 2002.

Motion: "I move that the Commission adopt the revised findings in support of the Commission's action on June 13, 2002 denying the development proposed under amendment number 3- 01-013-A1 **pursuant to the staff recommendation.**

Staff Recommendation of Adoption: Staff recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution, revised findings and conditions as set forth in this report. The motion requires majority vote of the members from the prevailing side present at the June 13, 2002 hearing, with at least three of the prevailing members voting. **Commissioners eligible to vote on the revised findings are Commissioners Hart, Kruer, Potter Reilly, Woolley, Luna and Wan.** If the motion fails, the revised findings are postponed to a later meeting.

Resolution: The Commission hereby adopts the findings and conditions set forth below for denial of an amendment to a coastal development permit for the proposed development on the grounds that the findings support the Commission's decision made on June 13, 2002 and accurately reflect reasons for it.

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- D. Shoreline Access Map
- E. Site Plans
- F. Conditions of Approval for Original Permit
- G. Aerial Photo
- H. Site Photos
- I. Public Comment

I. Project Procedural History

The Coastal Commission approved the original permit for construction of the house and garage on May 7, 2001. The proposed amendment that is the subject of this report was approved by the City of Pacific Grove's Architectural Board on January 8, 2002 and by the City Council on February 6, 2002. This local approval was submitted to the Coastal Commission, and an application for a coastal development permit amendment was filed on April 26, 2002. On June 13, 2002 in Long Beach, the Commission opened a public hearing on the proposed amendment to the previously approved permit and found the amendment inconsistent with the policies of Chapter 3 of the Coastal Act. This staff report provides the findings in support of the Commission's action.

The Standard of Review for the analysis of this amendment request is the resource protection policies of Chapter 3 of the Coastal Act.

II. Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The site of the approved house design proposed for amendment by this application is a rectangular, \pm 46,440 square foot vacant lot at 1687 Sunset Drive (between Jewell Avenue and Arena Avenue) in the Asilomar Dunes neighborhood of the City of Pacific Grove. The Asilomar Dunes neighborhood is mapped as the area bounded by Lighthouse Avenue, Asilomar Avenue, and the northern boundary of Asilomar State Park to the south. West of the site, across Sunset Drive, is a narrow, low, coastal bluff that is part of the Asilomar State Beach (see Exhibits B and G).

The roughly 144-foot wide by 322-foot long lot extends east from Sunset Drive and consists of a gently sloping sand dune that rises a total of 35-feet in elevation from Sunset Drive to the eastern property boundary. According to the 1999 biological report prepared for the site by Tom Moss, the site has a generally even topographic character and lack of dune landforms due to grading activities performed by a previous owner in the 1950's. No granitic rock outcroppings have been described as occurring on the parcel.



The Commission approved coastal development permit 3-01-013 on May 7, 2001 to allow construction of the proposed single-family home, the grading plans for which are the subject of this amendment application. The Standard and Special Conditions of the original project are attached as Exhibit F for reference.

The Baldaccis are now applying for an amendment because it was discovered that base elevations being used for grading purposes were incorrect, and that grading according to the approved plans threatened the neighbor's existing retaining wall. The proposed change would raise the elevation of the garage by 2.8 feet, but the elevations of the remaining portions of the house would remain as approved.

The Commission approved a Coastal Development Permit for a 5,855 square foot single-family dwelling with a 4,519 square foot footprint, and a basement garage with a 1,127 square foot footprint (Exhibit E). As designed, the project includes the residence site, paved driveway and backup area, retaining walls, planter space, a rear deck, and side and entry boardwalks. The building site has been located approximately 111 feet from Sunset Drive, 113.5 feet from the rear property boundary, 10 feet from the southern property boundary and 30 feet from the northern property boundary. The placement of the residence and driveway has therefore been sited to avoid known populations of sensitive plant species on site.

As described in the adopted Initial Study/Mitigated Negative Declaration prepared for the project by the City of Pacific Grove, the subject parcel is located in an area zoned R-1-B-4, Low Density Residential, 1-2 dwelling units per acre. According to the Initial Study/Mitigated Negative Declaration prepared for this project, development within the surrounding neighborhood is characterized by single-family dwellings on lots that are larger than those typically found in Pacific Grove. This low-density zoning on relatively large lots gives this area an open-space character consistent with the zoning and low-density residential Land Use Plan designation.

B. Coastal Development Permit Determination

1. Visual Resources

This project will result in a 2.8-foot elevation increase in the garage portion of the approved house. An increase of this nature in a visually sensitive area such as the parcels fronting Sunset Drive has the potential to impact public views. Visual resources are specifically protected by Section 30251 of the Coastal Act, which states: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." The Asilomar Dunes area of Pacific Grove is well known for its visual beauty and is a popular destination for both visitors and residents of the area.

Although not the Standard of Review, the City's certified Land Use Plan contains policies that may be used for guidance and require the following:



LUP Policy 2.5.2 *...Coastal area scenic and visual qualities are to be protected as resources of public importance. Development is required to be sited to protect public views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas.*

LUP Policy 2.5.4.1 *It is the policy of the City of Pacific Grove to consider and protect the visual quality of scenic areas as a resource of public importance. The portion of Pacific Grove's coastal zone designated scenic includes: all areas seaward of Ocean View Boulevard and Sunset Drive, Lighthouse Reservation Lands, Asilomar Conference Ground dune lands visible from Sunset Drive, lands fronting on the east side of Sunset Drive; and the forest front zone between Asilomar Avenue and the crest of the high dune (from the north side of the Pico Avenue intersection to Sinex Avenue).*

LUP Policy 2.5.5.4. *New development on parcels fronting on Sunset Drive shall compliment the open space character of the area. Design review of all new development shall be required. The following standards shall apply:*

- a) Minimum building setbacks of 75 feet from Sunset Drive shall be maintained. Larger setbacks are encouraged if consistent with habitat protection.*
- b) Residential structures shall be single story in height and shall maintain a low profile complimenting natural dune topography. In no case shall the maximum height exceed 18 feet above natural grade within the foundation perimeter prior to grading.*
- c) Structures shall be sited to minimize alteration of natural dune topography. Restoration of disturbed dunes is mandatory as an element in the siting, design and construction of a proposed structure.*
- d) Earthtone color schemes shall be utilized and other design features incorporated that assist in subordinating the structure to the natural setting.*

Coastal Act Section 30251 provides for protection of views to and along the coast. In this area of Asilomar Dunes, the primary view of the ocean and along the coast, as described in LUP Policy 2.5.4.1, is the unobstructed view along and to the west of Sunset Drive. Views from Asilomar Avenue and Arena Drive, designated on the LUP's Shoreline Access Map (Exhibit D), provide secondary scenic views to the shoreline. The coastal views from Asilomar Avenue are filtered by vegetation and existing development, and the approved house will not be the only house located on the eastern side of Sunset Drive that will be visible from Asilomar Ave.

Public comments regarding the height amendment have been received, and they are attached as Exhibit I. The majority of the comments suggest that the author was not opposed to the original project, but is opposed only to the amendment because it raises the height of the approved structure, thus causing more of an obstruction to views, including from Asilomar Drive. The amendment, to raise the roof of the garage portion of the approved house by 2.8 feet, will add to the visual impact of the approved house



(See Exhibit H) because of both the size of the portion being raised and its location along this popular scenic drive. Therefore, the amendment to raise the roof elevation of the garage by 2.8 feet will be a significant change over the original approval that was found to be consistent with Coastal Act, and so will not be in conformance with Section 30251 of the Coastal Act.

The approved house was designed and sited to comply with LUP policy 2.5.5.4, but as mentioned, the amendment will alter the profile of the approved house as viewed from Sunset Dr. and Asilomar Avenue, resulting in an increase in development massing in the dunes that run along Sunset Drive. Because the increase in height will have an adverse impact on visual resources along Sunset Drive and incrementally impact views from Asilomar Avenue, it is inconsistent with Coastal Act Section 30251, which protects visual resources and community character in the Coastal Zone.

In terms of alternatives to the project, the possibility of increasing the floor elevation of the garage while retaining the approved elevation of the garage roof was discussed with the applicant. The effect of this alternative would be to reduce the height of the lower story of the garage and to retain the approved elevation of the garage roof. Achieving a reduction of 2.8 feet in the height of the garage section of the house would require the reduction to be taken from the first story of the garage, as it is not living space. However, a reduction in the ceiling height of the first story of the garage would result in a garage that is roughly 5 feet high, which would not meet zoning and safety requirements, and would be impractical. Splitting the difference between the two floors would still not result in enough of a reduction in height to remain at the elevation of the approved house, and the amendment is consistent with the 18-foot maximum height requirement of LUP Policy 2.5.5.4.b. Another alternative considered included moving the bottom story of the garage south away from the property line and further underneath the approved house, which would also increase the amount of alteration to natural dune topography.

A final alternative is to increase the height of the applicant's existing approved retaining wall to compensate for the change in elevation, rather than increasing the height of a portion of the house and creating visual resource impacts. Placing the base of the Baldacci's retaining wall at a level 2.8 feet lower than what was originally proposed and keeping the top of it at the currently approved elevation should compensate for having to place the garage at a level 2.8 feet below the proposed garage floor. In this way the applicant could avoid the visual impacts of increasing his garage by 2.8 feet, prevent the undermining of the neighbor's retaining wall and preserve the visual integrity of the area to remain consistent with Coastal Act Section 30251. This alternative is a feasible alternative to raising the roof of the garage, can be achieved through minor adjustment to the approved site plans, and does not require a substantial redesign of the project. Thus the applicant has an option available to him to solve his grading problem with an engineering solution rather than a solution that will negatively impact the viewshed for both residents and visitors to the area for years to come. Because the problem of elevation of the garage can be solved with a relatively simple solution that prevents increased visual impacts at the same time, the project as proposed does not adequately conform to Coastal Act Section 30251 and should be denied.

C. California Environmental Quality Act (CEQA)



Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures which would substantially lessen any significant adverse effect which the project may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. All public comments received have been addressed in the staff report. This staff report, incorporated by reference into this finding, has discussed the relevant coastal resource issue inherent in the proposal, and has determined that the proposed amendment will create significant impacts to visual resources along scenic Sunset Drive and the Asilomar dunes area. As such, the Commission finds that this amendment will have significant adverse effects on the environment within the meaning of CEQA; that there are feasible alternatives that would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is not in conformance with CEQA requirements.

